

## Landscape Architect Proposed Rule Changes (CR-102) To WAC 308-13

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AMENDATORY SECTION (Amending WSR 02-07-047, filed 3/14/02, effective 4/14/02)

**WAC 308-13-020 Qualifications and application for licensure.** In addition to having passed the licensing examination required under WAC 308-13-032, applicants for licensure shall provide the following as minimum evidence of qualification for licensure:

(1) Three references from landscape architects having personal knowledge of the applicant's practical experience as described in subsection (2) of this section;

(2) A summary of the applicant's practical training; and

(3) Documentation verifying a minimum of seven years of any combination of academic and practical training experience approved by the board. The board shall use the following criteria when evaluating experience:

((1)) (a) ACADEMIC TRAINING

((a)) (i) With a passing grade, 32 semester credit hours or 45 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

((b)) (ii) A degree in landscape architecture or credits from an accredited college will be weighted at one hundred percent with a four year maximum credit for academic training.

((c)) (iii) Credits in landscape architecture from a college not accredited may be weighted up to seventy-five percent with a three year maximum credit for academic training.

((d)) (iv) Credits in architecture or civil engineering will be weighted at fifty percent with a two year maximum credit for academic training.

((2)) (b) PRACTICAL TRAINING

((a)) (i) Practical training ~~((experience, work in landscape architecture and related work experience,))~~ necessary to qualify for licensure will be measured in months.

((b)) (ii) No training prior to graduation from high school will be accepted.

~~((c) Full time practical work experience))~~ (iii) Credit for practical training will be based on a verifiable demonstration of competency and progressive responsibility in the analysis, synthesis, and evaluation of landscape architecture concepts and data and demonstrating their experience in a position of making independent judgments and decisions. The amount of credit is determined by the following:

(A) Full-time credit must be at least thirty-five hours per week for a minimum of ten consecutive weeks; ~~((and))~~

(B) Part-time ~~((practical work experience))~~ credit must be at least twenty hours per week for six or more consecutive months;

(C) Project and self-employment credit will be given credit based on verification by at least two licensed landscape architects who have reviewed and provided written acknowledgement of the applicant's work.

AMENDATORY SECTION (Amending WSR 02-07-047, filed 3/14/02, effective 4/14/02)

**WAC 308-13-024 Application for examination.** (1) Once an applicant has completed the academic requirement per WAC 308-13-005(6) or practical training approved in lieu of academic training per WAC 308-13-020, the applicant may apply to take the examination. The application to sit for the examination must be on a form prescribed by the board and must include(~~(, at a minimum:~~

~~(a) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;~~

~~(b) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;~~

~~(c) A summary of the applicant's work experience; and~~

~~(d) Required fees.)):~~

(a) The applicable fee as outlined in WAC 308-13-150; and

(b) An official sealed transcript showing courses taken and degree received from the applicant's attended college or university. Photocopies of transcripts are not acceptable; and

(c) An application based on practical training as outlined in WAC 308-13-020 (2).

Applications for admission to an examination, if scheduled, must be submitted or postmarked not later than the following dates. If the cut-off date falls on a Saturday or Sunday, the postmark deadline will be the following Monday.

Examination Months	Cut-off Dates
June	April 1
December	October 1

~~(2) ((Examinees may retake any sections offered that have not been passed. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination and the appropriate examination fee as established by the director and published in chapter 308-13 WAC, landscape architect fees. For reexamination applicants, examination fees are listed by separate section.~~

~~(3))~~ Examination admission letters will be mailed to eligible applicants approximately six weeks prior to the examination along with detailed information as to times, place, and scheduled examination sections.

~~((4))~~ (3) Application fees for examination and reexamination are administrative charges and will not be refunded. ~~((The examination fees (cost of each test) may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national testing service.~~

~~(5) Following successful completion of the registration examination, candidates will satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.))~~

AMENDATORY SECTION (Amending WSR 93-16-009, filed 7/22/93, effective 8/22/93)

**WAC 308-13-032 Licensing examination.** The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090, the board adopts the landscape architectural registration examination and grading procedure prepared by the council of landscape architectural registration boards (CLARB) as the state examination for registration.

~~((The examination is administered according to the published national schedule.~~

~~To pass the examination, an applicant must achieve a passing score of seventy five percent on each of the sections of the examination.))~~ (1) There are five sections of the examination offered according to CLARB's examination schedule.

(a) Sections A, B, and D of the examination are administered by CLARB. Fees for these sections shall be paid to and collected by CLARB.

(b) Sections C and E of the examinations are administered by the department of licensing. Fees for these sections will be first collected by the board, and then forwarded to CLARB.

(c) The current charges for each examination can be obtained by contacting CLARB or by contacting the board office.

(2) Applicants are notified of their ((grades)) scores by mail. No ((grades)) scores are given by telephone. Reexamination information shall be provided to candidates along with scores if the candidate has not passed all sections.

(3) An applicant must successfully complete the entire examination within a five-year period. The five-year period shall begin with the ((month an applicant begins the examination process. Passing scores for any section of the examination may be carried forward for a period of five years from the date the applicant passed that section of the examination. Applicants shall retake any section of the examination which was passed more than five years previously, along with any section of the examination not yet passed)) passing of one or more examination sections. Applicants may retake any section not passed. Applicants may not transfer passing section scores beyond the five-year period.

(4) Following successful completion of the licensing examination, candidates will satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.

AMENDATORY SECTION (Amending WSR 02-07-047, filed 3/14/02, effective 4/14/02)

**WAC 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses.** (1)((+a)) Reinstatement of a license, delinquent less than five years, requires a letter to the board administrator requesting reinstatement, payment(s) of ((all delinquent renewal fees plus the current penalty fee)) the fee from the previous renewal cycle, the current renewal fee, and late penalty.

((+b)) (2) Reinstatement of a license, delinquent five or more years,

requires:

(a) A letter of application to the board requesting reinstatement, payment(s) of ~~((all delinquent renewal fees plus the current penalty fee,))~~ the fee from the previous renewal cycle, the current renewal fee and late penalty;

(b) A resume of landscape architectural activities and projects since the date of expiration((τ));

(c) A detailed explanation of the circumstances surrounding the failure to maintain current licensure; and

(d) A satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board.

Additional requirements may be established by the board.

~~((2) Requests for reinstatement of a suspended or revoked license shall be submitted in a letter of application to the board and shall include a resume of professional activities and projects since suspension or revocation, a satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board and such other documents and materials as directed by the board.))~~

AMENDATORY SECTION (Amending WSR 05-17-004, filed 8/3/05, effective 9/3/05)

**WAC 308-13-150 Landscape architect fees and charges.** The following fees will be collected ~~((from the candidates))~~:

<b>Title of Fee</b>	<b>Fee</b>
Application fee	\$50.00
Reexamination administration fee	50.00
Renewal (2 years)	200.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	200.00
Reciprocity application fee	200.00
Replacement wall certificate	20.00

~~((The following charges assessed by the Council of Landscape Architectural Registration Boards (CLARB), collected from candidates for the costs of the examinations shall be paid to CLARB.~~

<b>Examination and Sections</b>	<b>Charges</b>
Entire examination	\$470.00
Section C:	
Planning and site design	245.00
Section E:	
Grading, drainage and storm water management	245.00

~~The following sections of the examination will only be administered by CLARB:~~

~~Section A:~~

~~Legal and administrative aspects of practice~~

~~Section B:~~

~~Analytical aspects of practice~~

~~Section D:~~

~~Structural considerations and materials and methods of construction))~~

NEW SECTION

**WAC 308-13-170 Retired status certificate of registration.** Any individual who has been issued a certificate of registration, in accordance with chapter 18.96 RCW, as a landscape architect having reached at least the age of sixty-five and having discontinued active practice may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is as defined in RCW 18.96.030.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. If deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board-issued wall certificate of registration;

(b) Use the title landscape architect, provided that it is supplemented by the term "retired," or the abbreviation "ret";

(c) Work as a landscape architect in a volunteer capacity, provided that the retired registrant does not create landscape architectural plans, and does not use his/her seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.96 RCW. If using his/her professional seal, the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve as a volunteer in an instructional capacity on landscape architectural topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to landscape architectural work performed by the registrant before he/she was granted a retired registration;

(g) Serve in a function that supports the principles of registration

and promotes the profession of landscape architecture, such as members of commissions, boards or committees;

(h) Serve in a landscape architectural capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.96 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has a valid/active registration in the records of the board;

(b) Apply his/her professional stamp, as provided for in RCW 18.96.150, to any plan, specification, or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active landscape architectural practice. At that time, the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if his/her certificate of registration has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.96 RCW. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered unprofessional conduct as defined in RCW 18.235.130 and are subject to penalties as provided for in RCW 18.235.110.

#### NEW SECTION

**WAC 308-13-180 Board member rules of conduct--Activities incompatible with public duties--Financial interests in transactions.** (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question

believes, or has reason to believe:

- (i) Is, or will be, the subject of board action; or
- (ii) Is one to which the board is or will be a party; or
- (iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

- (a) A decision, determination, finding, ruling, or order; and
- (b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. Activities incompatible with public duties; financial interests in transactions.

(a) **EXAMPLE 1:**

The board of registration for landscape architects disciplines licensed landscape architects in Washington. The board is conducting an investigation involving the services provided by a licensed landscape architect. One of the members of the board is currently serving a subcontractor to that landscape architect on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed landscape architect services.

(b) **EXAMPLE 2:**

The board of registration for landscape architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed landscape architects, including one of the board members. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

(c) **EXAMPLE 3:**

The board of registration for landscape architects makes licensing decisions on applications from registered landscape architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as a landscape architect by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the landscape architect for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state landscape architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

NEW SECTION

**WAC 308-13-250 Brief adjudicative proceedings.** (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.96 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of landscape architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has defaulted on educational loans;

(i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(j) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.



NEW SECTION

**WAC 308-13-260 Records required for the brief adjudicative proceeding.**

The records for the brief adjudicative proceeding shall include:

- (1) Renewal or reinstatement of a license:
  - (a) All correspondence between the applicant and the board about the renewal or reinstatement;
  - (b) Copies of renewal notice(s) sent by the department of licensing to the licensee;
  - (c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.
- (2) Applicants for certification/licensing:
  - (a) Original complete application with all attachments as submitted by applicant;
  - (b) Copies of all supplementary information related to application review by staff or board member;
  - (c) All documents relied upon in reaching the determination of ineligibility;
  - (d) All correspondence between the applicant and the board about the application or the appeal.
- (3) Default of student loan payments:
  - (a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;
  - (b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;
  - (c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;
  - (d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or
  - (e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.
- (4) Determination of compliance with previously issued board order:
  - (a) The previously issued final order or agreement;
  - (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
  - (c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and
  - (d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-13-210	Application of brief adjudicative proceedings.
WAC 308-13-220	Preliminary record in brief adjudicative proceedings.
WAC 308-13-230	Conduct of brief adjudicative proceedings.